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ADVANCEMENT OF WOMEN

Violence against women migrant workers

Report of the Secretary-General

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I. INTRODUCTION

1. In its resolution 48/110 of 20 December 1993 on violence against women migrant workers, the General Assembly reiterated its concern about the plight of women migrant workers who become victims of physical, mental and sexual harassment and abuse, and requested the Secretary-General to report to the General Assembly at its forty-ninth session on the implementation of the resolution, taking note of the relevant views of the Commission on the Status of Women in its discussion on the subject of violence against women at its thirty-eighth session.

2. The resolution followed on General Assembly resolution 47/96 on the same subject, which had requested the Secretary-General to seek the views of Member States and organizations of the United Nations system on the problem and to report orally on findings, through the Commission on the Status of Women and the Economic and Social Council. For this purpose, the views of Member States and organizations of the United Nations system were requested, a request that was reiterated in 1994.

3. Thirteen Member States and seven organizations of the United Nations system provided information. 1/ Oral reports were presented by the Secretariat to the Commission on the Status of Women, the Economic and Social Council and the General Assembly in 1993. The discussion of the priority theme "Peace: measures to eradicate violence against women in the family and society" included reference to the issue of violence against women migrant workers. The information provided by these sources, as well as reports by several non-governmental organizations, has been used to compile this report.

4. At its thirty-eighth session, the Commission on the Status of Women adopted resolution 38/7 on violence against women migrant workers which, inter alia, requested the Secretary-General to see to the development of concrete indicators to determine the situation of women migrant workers in sending and receiving countries as a basis for future action and further requested the Secretary-General to submit a copy of the present report to the Commission at its thirty-ninth session, including in it reports to be submitted by the Special Rapporteur on violence against women, the Centre for Human Rights, relevant United Nations functional bodies and specialized agencies, intergovernmental organizations and non-governmental organizations. It should be noted that the present report reflects information received by the Secretariat as at 30 August 1994, but that the recently appointed Special Rapporteur has not yet submitted reports, although she was consulted on this report.

5. It should be noted that migration can be either internal or international. The present report, derived from its mandate, is restricted to international migration. It should also be noted that what is considered internationally to be meant by violence against women is enumerated in the Declaration on the Elimination of Violence against Women adopted by the General Assembly in its resolution 48/104. This includes physical, sexual and psychological abuse occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.

II. INTERNATIONAL MIGRATION BY WOMEN

6. International migration has been a fact throughout human history. Statistics reported by the United Nations for 1985 based on 1970 and 1980 census rounds, plus the number of refugees reported by the Office of the United Nations High Commissioner for Refugees (UNHCR) for that year, estimate a world level of migrants at over 105 million persons. 2/ Similarly, data from the 1980 census round for 125 countries showed that 48 million persons had been migrants, half of them women. 3/ Somewhat over half of the migrants (and 60 per cent of the women migrants) were living in developed countries. Some countries, in all regions, have sufficiently large foreign-born populations to be considered receiving countries. These include countries such as Cameroon, Côte d'Ivoire, Ghana, South Africa, the United Republic of Tanzania and Zimbabwe in Africa; Argentina, Brazil, Canada, the United States and Venezuela in the Americas; Bangladesh, Hong Kong, India, Iran, Israel, Japan, Kuwait, Malaysia, the Republic of Korea, Saudi Arabia, Singapore and Turkey in Asia; Belgium, France, Germany, Italy, Netherlands, Poland, Sweden, Switzerland and the United Kingdom in Europe; and Australia and New Zealand in Oceania.

7. Most of the migrants are permanent, having left their home countries for other countries with no intention of returning. A large proportion of female migrants, especially to Europe and North America, migrated to join spouses or parents who had previously migrated. Many of these migrants join the labour force of the receiving country, but on the same basis as citizens.

8. A growing phenomenon has been temporary migration, people who have migrated for work with an intention to return. This had been a factor in Europe for some time, and more men than women were involved. It has been estimated that by 1990, Western European countries had about 16 million foreigners, most of whom were admitted as workers or their immediate families. 4/ In Asia, significant numbers of women from Indonesia, Malaysia, the Philippines, Sri Lanka or Thailand have been found to be temporary migrant workers. 5/ Many of these workers went to Europe, while others went to areas of Western Asia or East Asia. For example, in Kuwait, 103,501 women were employed as domestic workers in 1989, constituting 5.1 per cent of the population of the country. Almost all were non-Kuwaiti Asian. 6/ In Saudi Arabia, there were 219,000 non-Saudi Asian female workers in 1986. 7/ There were, additionally, many migrants who were refugees, of which the number and the proportion of women among them has been rising. In many cases, their migration would also be permanent and they would be dealt with in receiving countries on the same basis as citizens. In other countries, they are considered to be temporary migrants.

9. Most of the statistical information on migrant women comes from the receiving countries, rather than from sending countries. However, for example, a 1991 Survey of Overseas Workers conducted by the National Statistics Office of the Philippines estimated the number of Filipino contract workers at 721,100, of whom 40.6 per cent were women. Women overseas workers were concentrated in Asia (72 per cent), with the rest in Europe (11 per cent), North America (8 per cent) and elsewhere (9 per cent). In Europe, Filipino women workers exceeded men. 8/

10. There are limited statistics on migrant workers from other countries, and even where figures are available, they are often not disaggregated by sex. Much

of migration is undocumented and therefore difficult to quantify. In Africa, for example, movement to neighbouring countries for economic purposes, both temporary and long-term, is often not reported since the migrants merge easily into the population of the host countries which have similar ethnic compositions. A similar situation exists in some countries in Latin America. As a study of the Population Division of the United Nations notes, "... the pervasive view is that most undocumented migrants are men". 9/ There are indications, however, that the numbers of women migrant workers are relatively large. Existing reports, estimates, and anecdotal information provide a broad picture of the situations of women migrant workers, and the conditions that make them particularly vulnerable to violence.

11. A major motivation for migration is usually a belief that this will lead to an improved economic status. This is true for men and women alike. In the past, women would become migrant workers by accompanying their husbands or fathers and then enter the labour force of the receiving country. More recently, based on relative opportunities in the international labour market, women are beginning to migrate on their own, often, as men had done in the past, leaving their families behind. In some countries, women are actively recruited for temporary jobs overseas. Migration is inevitably from less developed to more developed countries.

12. For temporary migrants, a major economic aspect is remittances to families who remain in the home country. These remittances are used in the household to maintain consumption and to provide a basis for later investment. For Governments of sending countries, the remittances can constitute a significant source of foreign exchange. The survey in the Philippines showed that the average contract worker remitted 76,741 pesos monthly to his or her family. 10/ It has been estimated globally that in 1989, migrant remittances amounted to US$ 65 billion, compared with the US$ 47 billion provided as official development assistance by member States of the Organisation for Economic Cooperation and Development (OECD) to developing countries in that year. 11/ While temporary male migration is often related to agricultural labour, construction or industries, temporary female migration has tended to concentrate in the services sector, especially domestic service. In some countries there have been national policies that actively encourage female emigration. In one case, this income remitted to the home country by women workers was said to be the second largest source of foreign exchange. 12/

A. Recruitment of women migrant workers

13. Although a small percentage of migrant workers are hired through official governmental recruitment agencies in the receiving country or, in some cases, through agencies in the sending countries, the vast majority, especially women migrant domestic workers, are hired through personal contacts with friends or family members already working in destination countries. "Employment exchanges", consisting of notice boards where offers of domestic work are posted, often exist in agencies such as welfare centres that do not directly arrange contacts. In addition, there are many illegal recruitment agencies, which are responsible for the migration of large numbers of women. In western

Asia, women migrants are nearly all hired through private, unmonitored placement agencies.

14. One study, based on interviews with a large sample of returned migrants and their families, found that the processing fees demanded by recruitment agencies vary from country to country, though in most cases, they are very high relative to what the prospective migrant will earn. 13/ It was noted that because of the size of these fees, many women have to borrow money from private money lenders, who charge exorbitant fees, or from relatives and friends. There are, however, few studies in other countries about the means by which women migrant workers are recruited.

15. Little information is available also on the various types of contracts negotiated through formal recruitment agencies (although some countries do have standard contracts), the type of agreements reached between migrant women and their employers, or the extent to which the employer abides by the contract clauses. There is some indication that formal contracts are not always honoured by employers since there is little or no governmental or legal enforcement.

16. Women wishing to migrate legally must negotiate a difficult labyrinth of immigration laws and regulations, which vary from country to country. Quotas, waiting lists, arbitrary and changing rules, and legal, financial, and language barriers prevent all but the most persistent and knowledgeable from becoming legal residents. Immigration regulations for employers often discourage them from hiring foreign workers legally and make the small risk of employing cheap illegal labour worthwhile.

17. Cases have been reported of women being recruited for jobs that they believed legitimate and discovering, upon arrival, that they were being trafficked for the purpose of prostitution.

18. Further, when legal visas expire, especially short-term entertainment visas, women often prefer or are forced to stay on illegally rather than return to their home countries.

B. Types of work performed by migrant women

19. Historically, migrant women have found employment primarily in a limited number of "female" occupations, such as domestic service, sewing, waitressing, teaching, nursing, secretarial and clerical work and low-level factory work. Migrant women, like women generally, were less likely to find employment in higher-paid occupations such as construction or heavy industry. Some have also found employment in prostitution.

20. For many migrant women, domestic service has been a particularly important means of entry into the labour market. Domestic work was viewed, for the most part, as secure employment, providing women with at least a minimum level of food and shelter and/or a regular source of income. Poor rural women often migrated to urban areas to take advantage of opportunities for domestic and other forms of employment that wealthier or more highly educated women workers did not want. When changes in the national labour force and wage structures

reduced the supply of national domestic workers, their place has often been taken by migrants.

21. The prevalence of migrant women in domestic service bears further elaboration. While traditional divisions of labour valued female work within the home as a substantial, if unpaid, contribution to the welfare of the family, industrialization allowed women to move out of the home while still maintaining primary or exclusive responsibility for domestic work. This role was devalued as a necessary but invisible and lower status function. Domestic work continues to be unrecognized as an essential activity with substantial economic importance. Instead, the role of household domestic worker was inherited by other, less economically privileged, women. Progressively, the domestic services sector became reserved almost entirely for immigrant women workers, regarded as low-skilled labour doing low-prestige work.

22. In a number of countries in western Asia, after 1975, due to an increasing demand for domestic servants coupled with religious and social restrictions that limit native women from participating actively in the labour force, the proportion of migrant workers had reached a high level. For example, among 1,316,014 migrant workers in one Gulf State, 517,436 were women. 14/ An estimated 230,000 Indonesian women between 1983 and 1990 migrated to countries of that region, mostly as domestic help. Sri Lankan women were found to predominate as domestic servants in those countries, amounting to 47 per cent in 1979, and 57 per cent in 1985. 15/

23. Similarly, foreign maids in Hong Kong, Taiwan, Malaysia and Singapore are common. In Hong Kong, for example, official employment contracts for foreign maids increased from 44 in 1975 to more than 100,000 by early 1993. About 90 per cent of these women were Filipino, with others from Thailand, Indonesia, India and Sri Lanka. 16/

24. The United Kingdom reported that in the period from January-August 1993, clearance was granted under immigration rules for 8,613 domestic workers, the majority of whom were female. 17/ It can be anticipated that similar patterns exist in other European countries.

25. Wages for foreign women domestic workers, legal or illegal, are lower in many countries on average than that of their national counterparts in the same job, than national legal minimums, and than in other employment sectors. 18/ The majority of migrant domestic women servants must accept live-in conditions as a prerequisite to employment. Room and board are usually counted as part of salary.

26. While live-in servants may live in nicer neighbourhoods than non-resident domestics, their working conditions may be worse and they have far less mobility and social life. In one study, 72 per cent of domestic servants were found to get no days off at all, and only 13 per cent received a regular day off each week. 19/ In many cases, employers restrict domestic servants from leaving the house, do not allow use of the telephone, or do not permit visitors. Personal documents, such as passports, are usually retained by the employer. Regulations often require permission from the authorities to change employers, and a change of employer would not necessarily improve working conditions.

27. Migrant women domestic workers accept low wages and poor work conditions because their salaries are nevertheless higher, in the case of Asian women from poor countries four or five times higher, than those earned by white-collar professionals in their home country and perhaps ten times what most women from their region would earn.

28. Some countries, in fact, explicitly exclude domestic work from their labour laws. 20/ Under those circumstances, foreign domestic workers will lack legal protection either as immigrants or domestic workers. In most countries, social welfare programmes are not open to illegal residents, and in many they are not open to legal foreigners on temporary work permits.

C. Trafficking

29. Trafficking for the purpose of prostitution continues to be one type of migration. While it is condemned in international law, it continues to exist. In some regions this is related to what is termed sex tourism. Often this involves women recruited as entertainers or to work in restaurants and factories who are then diverted to prostitution either from the outset or when temporary visas expired.

30. One study estimated that 20,000 to 30,000 women and girls from one country who had expected to work in restaurants and factories were prisoners of debt bondage in brothels in a neighbouring country. Police complicity through the extortion of protection money, direct arrangements for border crossings and transportation, and patronage of the brothels was documented. Publicity forced Government attention to the problem. 21/

31. Press reports suggest that women from Eastern Europe are increasingly being trafficked and the phenomenon probably exists in most regions, usually unreported. 22/

III. INTERNATIONAL NORMS GOVERNING MIGRANT WORKERS

32. The rights of migrant workers and other migrants have been a matter of international concern for many years. Starting with the various conventions dealing with slavery, through various International Labour Organization (ILO) conventions, to the omnibus International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the international community has set out norms for dealing with this population group.

A. Early conventions related to trafficking

33. Among the first international norms related to women migrant workers were those intended to deal with international trafficking in women. Some of these antedated the League of Nations, others were a result of work by the League.

1. Agreement for the Suppression of the White Slave Traffic

34. The international agreement concluded on 18 May 1904 covers traffic in women for prostitution in another country. Under the terms of this agreement, the States Parties are required to carry out monitoring activities to detect traffickers in women at stations, ports of embarkation, and during journeys. The arrival of persons who are obviously perpetrators, co-perpetrators, or victims of trafficking in women must be reported to the authorities at their destination, to the appropriate diplomatic or consular officials, or to any other competent body.

35. The States Parties are also required, within the limits laid down by law, to take statements from foreigners coming into the country to establish their identity and civil status and to determine, and if necessary investigate, the person(s) responsible for their decision to leave their native country. In the case of trafficking victims, this information must be communicated to the authorities in the women's country of origin with a view to the possible return of the women to their own country.

36. The convention also requires States Parties to send women back to their country of origin if they or the persons who have authority over them request their return. Other provisions cover the cost of this return trip. There are also provisions for States Parties to monitor the activities of bureaux and agencies which arrange employment abroad for women or girls, where possible and within the limits laid down by law. Thus, the implementation of these provisions would allow the authorities to identify women migrant workers lured into forced prostitution and return them to their countries, in contrast to the many reported cases in which they are sent to jail as illegal immigrants and for other infractions of immigration laws.

2. International Convention for the Suppression of the White Slave Traffic

37. A second convention for the suppression of the white slave traffic took place on 4 May 1910. It contains provisions for the punishment of persons who traffic in women. The provisions of this convention oblige States Parties to take measures or put forward proposals to their legislatures to make it an offence for anyone to recruit, transport, or kidnap a woman below the age of majority, in order to satisfy the desires of any other person, or to commit an immoral act, even if the woman agrees and if the various actions which constitute the offence take place in different countries. The same provisions apply when women of full age are recruited by means of deception, as frequently happens to illegal women migrant workers. The convention also contains provisions governing extradition, and these could also be applicable to women migrant workers. Sufficient evidence exists to confirm that perpetrators are not punished accordingly and that what is missing is the will to implement these provisions.

3. Convention to Combat the Traffic in Women and Children

38. The international convention adopted on 30 September 1921 by the League of Nations adds to the two previous instruments provisions that the States Parties are required, among other things, to take legal and administrative measures for issuing permits and monitoring employment bureaux and placement agencies in order to protect women and children who are looking for work in another country. They are also required to take legal and administrative measures specifically to combat the traffic in women and children. The convention explicitly refers to the obligation to ensure that notices are posted at railway stations and ports, warning women and children of the dangers of the traffic in persons and indicating where they can obtain accommodation and assistance.

39. Again these provisions pertain directly to the current situation of women migrant workers, as the victims of unscrupulous agencies which continue trafficking regardless of prohibitions.

40. The Convention for the Suppression of the Traffic in Women of Full Age of 11 October 1933, was intended to supplement the three previous conventions.

4. The Slavery Convention

41. The Slavery Convention, adopted on 25 September 1926 by the League of Nations, could also be used to advocate the cause of women migrant workers. It defines slavery as "The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised". The slave trade means and includes "all acts involved in the capture, acquisition, or disposal of a person with intent to reduce him to slavery".

42. The Convention also contains provisions requiring States to take measures to ensure that forced labour does not produce situations comparable to slavery and to reinforce national and international efforts to abolish slavery, the slave trade, and similar practices. States Parties further agree to adopt legal and other measures to bring about the complete elimination of certain practices, irrespective of whether they fall under the Convention's definition of slavery. This includes debt bondage, whereby a person pledges his own services or those of another person over whom he has authority as security for a debt.

B. ILO Convention

43. Several ILO conventions have provisions designed to protect the rights of migrant workers, and therefore cover women migrant workers.

1. Migration for Employment Convention (Revised)

44. The Migration for Employment Convention (Revised) of 1949 defines a migrant worker as a person who migrates from one country to another with a view to working for an employer and not in a self-employed capacity. Among other things, the Convention requires the States Parties to maintain a reasonable and

free service or ensure that such a service is maintained in order to assist migrant workers and to supply them with correct information. The States Parties are also required, in so far as national legislation allows, to take all the appropriate steps against misleading propaganda concerning emigration and immigration. Each of the States Parties agrees that its employment services and other services which are concerned with migration will cooperate with the equivalent services of other States. The activities carried out by public employment services must be free for migrant workers.

45. These provisions are aimed at combating one of the problems which make women migrant workers vulnerable in gaining access to service concerned with migration.

46. A total of 40 countries are party to the Convention, of whom many are major receiving countries for migrant labour.

2. Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

47. The Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) requires States to respect the basic human rights of all migrant workers. Each of the States Parties must systematically establish whether migrant workers are working illegally in its territory, whether migration for employment is taking place from its territory as the starting-point, end-point, or as a country of transit, and whether migrating persons find themselves in circumstances which conflict with international, multilateral, bilateral or national regulations and agreements, either on arrival or during their stay and employment. Furthermore, the States Parties to the Convention are required to take necessary and appropriate measures within their jurisdictions or in cooperation with other States to combat the clandestine migration and illegal employment of migrants.

48. Each of the States Parties must also take appropriate measures against persons who organize illegal or clandestine migration for the purposes of employment and against persons who have employees who have entered the country illegally. At the national and international level the States Parties are required to take measures on this matter to create systematic contacts and exchanges of information with other States.

49. All of the measures must be designed to ensure that persons responsible for the illegal migration of workers can be prosecuted, irrespective of the country in which they undertake their activities. National regulations must be adopted for the effective detection of cases of illegal employment of migrant workers and for administrative, civil and criminal sanctions, including terms of imprisonment for illegally employing migrant workers, organizing migration with a view to abusive employment, or deliberately assisting such forms of migration for profit or otherwise.

50. Seventeen States have ratified the Convention.

C. United Nations conventions

51. Several conventions prepared under the auspices of the United Nations set international norms relative to women migrant workers.

1. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

52. This Convention was adopted by the General Assembly on 2 December 1949 and takes precedence over the other conventions in relation to States which are parties to the 1949 convention and one or more of the other conventions. Each of the other conventions is deemed to have been terminated when all the States which are parties to the conventions become parties to the 1949 Convention.

53. In reference to emigration and immigration, the 1949 Convention requests that States Parties take measures to combat the traffic in persons for the purposes of prostitution and to monitor employment agencies. The Convention also specifically requires measures to protect immigrants and emigrants at places of arrival and departure and during journeys; other measures pertain to traffickers and victims.

54. A total of 67 States are party to this Convention, including many of those identified as sending or receiving countries of women migrant workers.

2. Convention on the Elimination of All Forms of Discrimination against Women

55. The Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979 requires the States Parties to take measures to eliminate all forms of discrimination against women. Article 6 deals with the traffic in women and requires States to take any appropriate measures, including legislation, to combat all forms of traffic in women and the exploitation of prostitution by women.

56. The Committee on the Elimination of Discrimination against Women, the monitoring body for the Convention, has indicated in its recommendation No. 19 on violence against women that the Convention, under its various articles, covers violence against women, including as workers.

3. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

57. On 18 December 1990, the General Assembly adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. This Convention stipulates among other things that migrant workers or the members of their families must not be held in slavery or servitude and that forced labour may not be demanded of them.

58. The Convention also makes provision for sanctions against persons or groups who use violence against migrant workers, employ them in irregular circumstances, or who threaten or intimidate them.

59. To date, only Egypt and Morocco have ratified or acceded to the Convention and Mexico, Chile and the Philippines have signed without ratifying. The Convention has not, accordingly, entered into force.

4. United Nations human rights conventions

60. Women migrant workers, like everyone else, are entitled to protections accorded by the various United Nations human rights conventions and other instruments.

IV. REPORTED INCIDENCE OF VIOLENCE AGAINST WOMEN MIGRANT WORKERS

61. There are only limited indicators of violence against women migrant workers. Statistics on violence against women generally are collected infrequently and are not yet accurate. There is considerable evidence that violence against women in the family and in society is widespread, universal and possibly growing. It can be expected that women migrant workers are likely to be victims of violence, especially when, as in a number of circumstances, their employment situation, coupled with their status as foreigners, leaves them vulnerable. However, it should be noted that a number of the replies from Governments indicated that they had no record of any incidents of violence against women migrant workers, or that there had been very few reported.

62. For some types of violence reporting is unlikely, given the nature of the conditions under which violence would occur. It should be noted that under the terms of the Declaration on the Elimination of Violence against Women, as well as the Convention on the Elimination of All Forms of Discrimination against Women, trafficking for the purpose of prostitution is, by definition, violence. It is also illegal in almost all States. Still, some of the studies noted above, as well as others, suggest that the phenomenon exists. When the person who is a victim of trafficking is a migrant, the fact of illegality and the likelihood of repatriation can be disincentives to report incidences of violence.

63. Domestic service, by its nature, leaves women migrant workers vulnerable, since the place of work is usually the household and public regulation is not always effective there. There is considerable documentation about the incidence of physical violence and other forms of coercion against migrant women in domestic service in several countries. 23/ Some 80 per cent of all complaints reported by the Sri Lankan Bureau of Foreign Employment concerned female domestic workers in the Middle East. Sexual harassment by the male head of household was one of the three most common problems. 24/

V. STEPS BEING TAKEN TO REDUCE VIOLENCE AGAINST WOMEN MIGRANT WORKERS

64. Migrant workers, because they cross national boundaries, are in some measure an international responsibility. Eliminating violence against women migrant workers can be seen as an essential part of implementing the Declaration on the Elimination of Violence against Women as well as other relevant norms.

65. In many countries, as indicated by replies to the Secretary-General's request for information, measures exist or are being taken to deal with the question. Some of these are general economic and social policies designed to reduce the need for migration, others are to provide adequate legal remedies for women migrant workers and still others are social measures designed to deal with the effects of violence.

A. Measures being taken in sending countries

66. With regard to addressing the causes of migrations, the President of the Philippines announced, in an address on 1 May 1994, the adoption of a national jobs programme to create 1.1 million jobs annually and steps to increase the availability of housing and to encourage the development of cooperatives and other livelihood projects. 25/ Similarly, Thailand reports that a number of preventive measures are being administered by the Department of Labour Protection to discourage Thai women from working abroad by improving employment prospects in their own country. 26/

1. Legal measures

67. The Philippines noted that it had enacted legislation to curb trafficking in women as mail-order brides or in other ways. Policy directives had been issued to suppress the trafficking in and prostitution of women, and a selective ban had been imposed on the employment of Filipino entertainers and domestic servants in receiving countries that did not provide legal protection for them, or where they were otherwise endangered. 27/

68. Regulation of recruiting firms is another measure that has been taken in some countries. 28/

2. Social measures

69. Measures have been taken to reduce the vulnerability of women migrant workers by providing orientation prior to departure. The Philippines reports that rules of the Philippine Overseas Employment Administration require entertainers, nurses and domestics applying for overseas work to undergo pre-deployment orientation to increase their awareness and to prepare them for the social, cultural and job realities in their destinations.

70. Measures have also been taken to provide assistance to migrant workers in the receiving countries. This can include routine assistance by embassy and

consular officials, as well as the negotiation of bilateral agreements with receiving States. The Philippines reports that its Overseas Workers Welfare Administration is employing more women officers in its front-line units and its overseas operations, especially at job sites with predominately women workers. It also maintains several social centres to serve the social, cultural and recreational needs of Filipino workers abroad. 29/

71. For migrant workers who have encountered abuse, measures are being considered to provide support services upon return. A plan to provide a programme of intervention, containing support, rights and resources components has been reported. 30/

B. Measures being taken in receiving countries

72. Most countries reporting indicate that women migrant workers have the same rights as nationals of their countries and that, therefore, there are no special measures necessary. In that sense, they would have similar difficulties or ease in exercising rights as women who were nationals of the country, compounded by the problems caused by language and different customs. A number of countries have taken steps to deal with the specific difficulties faced by women migrant workers. It should be noted that protection under the laws does not necessarily apply to migrants who have arrived illegally in the receiving country. These workers are, by reason of their illegality, particularly vulnerable to violence.

1. Legal measures

73. A number of countries have adopted measures to ensure that migrant workers receive equal treatment under the laws of the country. Mauritius reports that with a view to reinforce measures of control over companies employing foreign labour, the Ministry of Labour and Industrial Relations established on 21 February 1994 a Foreign Labour Inspection Squad, whose main objective is to ensure the full protection of the rights of migrant workers as provided by national labour legislation and their contracts of employment. 31/

2. Social measures

74. A number of countries have reported existing or proposed programmes to provide training and orientation to women migrant workers about their rights. This includes special vocational and language training. 32/ In the United Kingdom, the Employment Service applies the principle of equal opportunity in its programmes and services as relevant to women migrant workers, helping them to have the necessary access to employment facilities and to solve language difficulties. 33/

75. Non-governmental sources indicate that, in addition, there have been networks and organizations of and for migrant women workers in a number of places. Examples include Solidarity with Women in Distress (SOLWODI) in Germany, the Filipino Women's Council in Rome, the National Organization of

Immigrant and Visible Minority Women of Canada and BABAYLAN, a Philippine Women's Network in Europe. 34/

VI. CONCLUSIONS

76. The information available suggests that migration of women workers is growing and likely to continue. They will be subject to many of the same situations of violence as women in the receiving countries, made more acute by the type of work undertaken by women migrant workers and the difficulties caused by their status as migrants.

77. An international framework of protection is found in a number of international conventions that are directly relevant to the issues of violence against women migrant workers, including the Convention on the Elimination of All Forms of Discrimination against Women.

78. It is worth recalling that the issues of migrant women has been a concern for some time: migrant women are found among the areas of special concern in the Nairobi Forward-looking Strategies for the Advancement of Women. The issue of migrant women was considered by the Commission on the Status of Women under the priority theme Equality in 1991. The report of the Secretary-General to that session of the Commission concluded that:

> "Governments of receiving countries should ensure that all migrants, especially women, are given information, in a language that they know, on their legal rights and obligations. Such information should include legal advice to female migrants, especially on how to acquire and maintain legal status, on marriage and divorce, domestic violence, labour laws, legislation on sex discrimination, and welfare and other social entitlements, including family planning. Counselling services should also be provided. Associations of and for migrant women should be used to disseminate information among migrants, provide counselling and other social and legal services, identify problems and communicate with decision-makers. Migrant women should be entitled to the same rights as migrant men. Governments should periodically review and, where necessary, revise migration policies and legislation, as well as their implementation, to prevent discriminatory practices against women."

79. Partly on the basis of that report the Commission on the Status of Women adopted resolution 35/6 on women migrant workers which, inter alia, calls upon States to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, encourages the establishment of services to assist migrant workers and requests organizations of the United Nations system to assist in disseminating information among migrant workers.

80. On the basis of oral reports to the Commission on the Status of Women, as well as material on migrant women contained in the report of the Secretary-General on urban women, the Commission adopted resolution 38/7 on violence against women migrant workers. In this resolution, the Commission called upon Member States to adopt measures to implement the Declaration on the Elimination

of Violence against Women, including applying it to women migrant workers, called for consultations between the sending and receiving States for women migrant workers to identify problem areas and measures to address them; and called upon these States to ensure the protections foreseen under the relevant international conventions.

81. From these measures already proposed, as well as those being enacted, a number of conclusions should be drawn.

- It is important to address the causes of migration in the sending countries and, for those who wish to migrate and return, to provide protection against unscrupulous recruiters and orientation to migrants about their rights and responsibilities and the likely conditions in the receiving countries.

- The desirability of negotiations between sending and receiving countries about the conditions of migrants is clear.

- Receiving countries should accord legal migrants equal treatment before their laws and provide the necessary information about these rights, accessible institutions and appropriate support programmes.

- An effort should be made to study the situation of undocumented migrant workers with a view to determining measures that can help resolve their status and thereby reduce their vulnerability to violence.

- Networks of women migrant workers should be encouraged and supported.

82. The size of the phenomenon of violence against women migrant workers is not known. To properly monitor the issue, statistics and indicators should be collected. As a first step, statistics that are disaggregated by sex, should be maintained by both sending and receiving countries on migrants. This will permit determination of the growth of international migration and its flow. The statistics should indicate the occupations to which the migrants are going. Periodic studies should be undertaken to indicate changes in the conditions of work.

83. In order to monitor violence against women migrant workers it is necessary, first, to monitor violence against women generally as called for in the Declaration on the Elimination of Violence against Women. The adoption of the Declaration provides categories of acts that should be counted. In view of their special vulnerability, the incidence of violence against women migrant workers should be counted as a category within national indicators.

Notes

1/ Austria, Belarus, Burkina Faso, Czech Republic, Liechtenstein, Mauritius, Morocco, Philippines (initial reply and update), Portugal, Russia, Syrian Arab Republic, Thailand, Turkey and the United Kingdom; UNOG, ECA, ECLAC, INSTRAW, FAO, IFAD and UNIDO.

2/ Persons identified as migrants because they lived outside their countries of birth. United Nations, Population Division of the Department for Economic and Social Information and Policy Analysis, "Population Distribution and Migration: the emerging issues" in Population Distribution and Migration (ST/ESA/SER.R/133). The data are from Christian Skoog, "The quality and use of census data on international migration", paper presented to the XIII World Congress of Sociology, Bielefeld, Germany, 18-23 July 1994.

3/ The figure refers to the foreign-born population in those countries. United Nations, Department for Economic and Social Information and Policy Analysis, International Migration Policies and the Status of Female Migrants: Proceedings of the United Nations Expert Group Meeting on International Migration Policies and the Status of Female Migration (ST/ESA/SER.R/), New York 1994, table IV.1.

4/ Ibid., pp. 5-6.

5/ Ibid., pp. 5-11.

6/ Nasra M. Shah, "Migration between Asian countries", chap. XII of Population Distribution and Migration, citing Kuwait, Directory of Civil Information: Population and Labor Force. Kuwait, Public Authority for Civil Information, July 1989.

7/ Ibid., citing Manolo Abella, "International migration in the Middle East: patterns and implications for sending countries". Paper presented at the Informal Expert Group Meeting on International Migration, Geneva, Switzerland, 16-19 July 1991.

8/ Second reply of the Government of the Philippines to the Secretary-General, July 1994.

9/ United Nations, Department for Economic and Social Information and Policy Analysis, op. cit., pp. 5-12.

10/ Second reply of the Government of the Philippines.

11/ International Organization for Migration, "Migration and Development", chap. XXVI in United Nations, Population Distribution and Migration, 1994.

12/ Frank Eelens and J. D. Speckman, "Recruitment of Labor Migrants for the Middle East: the Sri Lankan Case", International Migration Review, XXIV, No. 2 (Summer 1990), p. 299.

13/ Eelens and Speckman, loc. cit., p. 318.

14/ Middle East Watch: Women's Rights Project, Punishing the Victim: Rape and Mistreatment of Asian Maids in Kuwait, vol. 4, issue 8, p. 4. Estimates from the Ministry of Planning.

15/ Eelens and Speckman, loc. cit.

16/ Immigration Department Statistics cited by May-an Villalba, "Understanding Asian Women in Migration: Towards a theoretical framework", in Isis International, Women in Action, 2 and 3/1993, Quezon City, Philippines, Isis International, 1993.

17/ Reply of the United Kingdom.

18/ Gabriella Arena, "Lavoro femminile ed immigraziones: dai Paesi Afro-Asiatici a Roma", Studi Emigrazione, No. 70, Anno XX, June 1983; Colectivo Ioé, "El servicio doméstico en España entre el trabajo invisible y la economía sumergida, Informe de Investigación, Madrid, 1990; Nony Ardill and Nigel Cross, Undocumented Lives: Britain's Unauthorised Migrant Workers, London, Runnymede Trust, 1988, all cited in Patricia Weinert, Foreign Female Domestic Workers: Help Wanted, World Employment Programme Research, International Migration for Employment Working Paper (MIG WP.50), Geneva, ILO, 1991.

19/ Grete Brochman, The Middle East Avenue. Female Migration from Sri Lanka. Causes and Consequences, Oslo, Institute for Social Research, 1990, cited in Weinert, op. cit., p. 24.

20/ See Middle East Watch, op. cit.

21/ Asia Watch and the Women's Rights Project, A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand, New York, Human Rights Watch, 1991.

22/ Periodic reports to the Economic and Social Council on suppression of the traffic in persons and of the exploitation of the prostitution of others have been prepared by the Secretary-General at different points. See, for example, E/1994/76 and addenda.

23/ See, for example, Middle East Watch, op. cit.

24/ Malsiri Dias, "Female Overseas Contract Workers: Sri Lanka", in Asian and Pacific Development Centre (eds.), Trade in Domestic Helpers, Causes, Mechanisms and Consequences, Kuala Lumpur, APDAC, 1989, p. 212, cited in Weinert, op. cit.

25/ Second reply of the Government of the Philippines.

26/ Reply of the Government of Thailand.

27/ First reply of the Government of the Philippines.

28/ See Eelans and Speckman, loc. cit.

29/ First reply of the Government of the Philippines.

30/ Second reply of the Government of the Philippines.

31/ Reply of the Government of Mauritius.

32/ Replies of the Governments of Burkina Faso and the Russian Federation.

33/ Reply of the Government of the United Kingdom.

34/ Reported in Isis International, op. cit., pp. 71-77.